

Exhibit 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

WILLIAM BYRNES, CHRISTOPHER CURTIN,
THE NEW YORK MERCANTILE EXCHANGE,
INC. and RON EIBSCHUTZ,

Defendants.

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) No. 13 Civ. 1174 (VSB)
)
) ECF Case
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**PLAINTIFF'S ANSWERS AND OBJECTIONS TO DEFENDANT NEW YORK
MERCANTILE EXCHANGE, INC.'S INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York ("Local Rules"), Plaintiff U.S. Commodity Futures Trading Commission ("CFTC" or "Commission"), by and through its undersigned attorneys, hereby responds and objects to Defendant New York Mercantile Exchange, Inc.'s Interrogatories to Plaintiff (the "Interrogatories"), as set forth below:

GENERAL OBJECTIONS

1. Plaintiff objects to each instruction, definition, and interrogatory to the extent that it purports to impose any requirement or discovery obligation greater than or different from those under the Federal Rules of Civil Procedure, the Local Rules and Orders of the Court.

2. Plaintiff objects to the Interrogatories to the extent that they seek information protected from disclosure by the attorney-client privilege, work-product doctrine, deliberative process privilege, investigatory privilege, common interest doctrine, or any other privilege or protection, pursuant to statute, common law or applicable rules.

3. Plaintiff objects to the Interrogatories to the extent they seek information that is irrelevant, immaterial or not reasonably calculated to lead to the discovery of admissible evidence.

4. Plaintiff objects to the Interrogatories to the extent they are vague, ambiguous, overly broad or unduly burdensome.

5. Plaintiff objects to the Interrogatories to the extent they seek information that is not in Plaintiff's possession, custody or control.

6. Plaintiff objects to the Interrogatories to the extent they seek information that NYMEX already has in its possession, custody or control.

7. Plaintiff objects to the Interrogatories to the extent they seek information that is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive, or the burden or expense of the proposed discovery outweighs its likely benefit.

8. Plaintiff objects to the Interrogatories to the extent they seek the claims or contentions of a party or otherwise seek information beyond the scope permitted by Local Rule 33.3. The Commission reserves the right to modify or supplement its answers to the Interrogatories pursuant to the timing specified in Local Rule 33.3.

9. Plaintiff objects to the Interrogatories to the extent that they exceed the number of interrogatories, including discrete subparts, permitted by Fed. R. Civ. P. 33(a)(1).

10. Discovery in this matter is ongoing. The Commission responds to the Interrogatories based upon information and documentation available as of the date hereof and reserves the right to supplement or amend its responses.

11. Subject to and without waiving the foregoing objections, Plaintiff will respond to the Interrogatories below by providing relevant, non-privileged information currently available to it. Pursuant to Paragraph 15 of the Protective Order entered for this matter (the "Protective Order"), Plaintiff does not waive any applicable privilege or immunity by the disclosure of any Discovery Material (as defined in the Protective Order) in this matter. In addition, inadvertent disclosure shall not waive the right of Plaintiff to assert any applicable privilege or to object to the use of any such information during this action or in any other proceeding.

RESPONSES AND SPECIFIC OBJECTIONS

INTERROGATORY NO. 1:

Identify the names of all people with knowledge or information relevant to this Matter.

RESPONSE TO INTERROGATORY NO. 1: Plaintiff objects to Interrogatory No. 1 because it is vague, overly broad, and unduly burdensome. Subject to and without waiving these objections and the foregoing general objections, Plaintiff directs NYMEX to the persons and entities identified in Plaintiff's Fed. R. Civ. P. 26(a) Disclosures in this matter and to the documents Plaintiff previously produced to NYMEX during discovery in this matter.

INTERROGATORY NO. 2:

For all persons identified in Interrogatory No. 1, respectively identify what knowledge or information they may possess.

RESPONSE TO INTERROGATORY NO. 2: Plaintiff objects to Interrogatory No. 2 because it is vague, overly broad, unduly burdensome, and seeks information beyond the scope permitted by Local Rule 33.3. Subject to and without waiving these objections and the foregoing general objections, Plaintiff directs NYMEX to the persons and entities identified in Plaintiff's Fed. R. Civ. P. 26(a) Disclosures in this matter and to the documents Plaintiff previously produced to NYMEX during discovery in this matter.

INTERROGATORY NO. 3:

With respect to each of the persons identified in your answer to Interrogatory No. 1, identify all documents, including statements, Testimony, affidavits, or declarations, setting forth such person's knowledge of any fact or document supporting or contradicting any of the allegations set forth in the Complaint.

RESPONSE TO INTERROGATORY NO. 3: Plaintiff objects to Interrogatory No. 3

because it is vague, overly broad, unduly burdensome, and seeks information beyond the scope permitted by Local Rule 33.3. Subject to and without waiving those objections and the foregoing general objections, Plaintiff directs NYMEX to the individuals and entities previously identified in Plaintiff's Fed. R. Civ. P. 26(a) Disclosures in this matter and to the documents Plaintiff previously produced to NYMEX during discovery in this matter.

INTERROGATORY NO. 4:

Identify all persons who provided information to you regarding the allegations in the Complaint or Amended Complaint, including any confidential witnesses.

RESPONSE TO INTERROGATORY NO. 4: In addition to the foregoing general

objections, Plaintiff objects to Interrogatory No. 4 because it is vague and overly broad.

Subject to and without waiving those objections, Plaintiff responds as follows:

Last Name	First Name	Last Known Address	Telephone #
Byrnes	William	401 East 74th Street New York, NY 10021	(212) 879-0526
Eibschutz	Ron	625 Kimbel Ave Westfield, NJ 07090	908-233-1456 917-273-2920
Barkhordar	Joshua	One North End Avenue New York, New York	(212) 299-2000
Belancourt	Dunet	644 West 204 th St., Apartment 24, New York, NY 10034	(212)542-0886
Baldwin	Virginia	43-17 22 nd Place , 1 st Floor Bayside, NY, 11361	(917) 257-8948

Last Name	First Name	Last Known Address	Telephone #
Cusumano	Ralph	9 Beech Wood Court Hazlet, New Jersey 07730	(732) 739-3674
Fein	Darren	511 Sun Valley Way Florham Park, NJ 07392	(973) 845-6137
Holleran	Thomas	83B East Main Street, Mendham, New Jersey	(201) 650-5241
Holzrichter	Julie	20 South Wacker Chicago, IL 60606	(312) 930 1000
Hopkins	Howard	One North End Avenue New York, New York	(516) 208-9488
Keating	Sean	139 Woods End Drive, Basking Ridge, NJ 07920	(908) 696-1355
Lopez	Augustin	29 Hampton Green Staten Island, NY	(347) 562-4676
McDonald	Michael	One North End Avenue New York, New York	(212) 299-2000
New York Mercantile Exchange, Inc.		One North End Avenue New York, New York	(212) 299-2000
Beyhum	Nour	ICAP Energy Ltd 2 Broadgate London EC2M 7UR United Kingdom	+44 207 532 4991
Glass	Abe	Poten Energy Services 805 Third Avenue New York, NY 10022	(212) 230-2000
Poten Energy Services, LLC		Poten Energy Services 805 Third Avenue New York, NY 10022	(212) 230-2000
Poten & Partners, Inc.		Poten Energy Services 805 Third Avenue New York, NY 10022	(212) 230-2000
Flaster	Brad	Parity Energy, Inc. 33 Whitehall Street, Floor 17 New York, NY 10004	(646) 330-5075

Last Name	First Name	Last Known Address	Telephone #
Parity Futures, Inc.		Parity Futures, Inc. 33 Whitehall Street, Floor 17 New York, NY 10004	(646) 330-5075
Parity Energy, Inc.		Parity Energy, Inc. 33 Whitehall Street, Floor 17 New York, NY 10004	(646) 330-5075
Hyrchenko	Brad	Nexen Inc. 801 7th Ave SW Calgary, AB T2P 3P7 Canada	(403) 807-6893
CME Group, Inc.		20 South Wacker Chicago, Il 60606	(312) 930-1000
Maydick	John	One North End Avenue New York, New York	(212) 299-2000
Siff	Alexandria	One North End Avenue New York, New York	(212) 299-2000

INTERROGATORY NO. 5:

Identify the Bates number of each call set forth in Exhibits A and B to the Amended Complaint.

RESPONSE TO INTERROGATORY NO. 5: In addition to the foregoing general objections, Plaintiff objects to this Interrogatory because it seeks information already in NYMEX's possession or information that can be ascertained from materials equally available to Plaintiff and NYMEX and is, therefore, unduly burdensome. Subject to and without waiving those objections, Plaintiff responds as follows:

Exhibit A

Byrnes Disclosures		
	Date & Disclosing Party	Bates Number
1.	Feb. 21, 2008	13CIV1174-CFTC-0006467
2.	Feb. 22, 2008	13CIV1174-CFTC-0006469
3.	Feb. 22, 2008	13CIV1174-CFTC-0006468
4.	May 13, 2008	13CIV1174-CFTC-0006561
5.	May 20, 2008	13CIV1174-CFTC-0006563
6.	May 22, 2008	13CIV1174-CFTC-0006564
7.	May 30, 2008.	13CIV1174-CFTC-0006569
8.	June 17, 2008	13CIV1174-CFTC-0006491
9.	June 23, 2008	13CIV1174-CFTC-0006494 13CIV1174-CFTC-0006495
10.	June 23, 2008	13CIV1174-CFTC-0006496 13CIV1174-CFTC-0006497
11.	June 25, 2008	13CIV1174-CFTC-0006498
12.	June 25, 2008 (duplicate entry)	13CIV1174-CFTC-0006498
13.	July 2, 2008	13CIV1174-CFTC-0006501
14.	July 3, 2008	13CIV1174-CFTC-0006502
15.	July 14, 2008	13CIV1174-CFTC-0006503
16.	July 18, 2008	13CIV1174-CFTC-0006504
17.	July 21, 2008	13CIV1174-CFTC-0006505
18.	Sept. 10, 2008	13CIV1174-CFTC-0006511
19.	Sept. 11, 2008	13CIV1174-CFTC-0006512
20.	Sept. 12, 2008	13CIV1174-CFTC-0006513
21.	Sept. 25, 2008	13CIV1174-CFTC-0006518
22.	Oct 2, 2008	13CIV1174-CFTC-0006571
23.	Oct 8, 2008.	13CIV1174-CFTC-0006576
25.	Nov 17, 2008	13CIV1174-CFTC-0006579

Byrnes Disclosures		
	Date & Disclosing Party	Bates Number
		13CIV1174-CFTC-0006585
26.	Nov 18, 2008	13CIV1174-CFTC-0006588
27.	Nov 19, 2008	13CIV1174-CFTC-0006589
28.	Nov. 25, 2008	13CIV1174-CFTC-0006465
29.	Nov 25, 2008	13CIV1174-CFTC-0006593
30.	Dec 4, 2008	13CIV1174-CFTC-0006598
31.	Jan. 20, 2009	13CIV1174-CFTC-0018196
32.	Jan. 29, 2009	13CIV1174-CFTC-0018157
33.	Feb. 4, 2009	13CIV1174-CFTC-0018164 13CIV1174-CFTC-0018166
34.	Feb 11, 2009	13CIV1174-CFTC-0018173 13CIV1174-CFTC-0018178
35.	Feb. 13 2009	13CIV1174-CFTC-0018174
36.	Feb. 18 2009	13CIV1174-CFTC-0018176
37.	Feb. 20, 2009	13CIV1174-CFTC-0018177
38.	Feb. 24, 2009	13CIV1174-CFTC-0018184
39.	Feb. 25, 2009	13CIV1174-CFTC-0018188
40.	Feb. 25, 2009	13CIV1174-CFTC-0018185
41.	Feb. 27, 2009	13CIV1174-CFTC-0018189
43.	Mar. 9, 2009	13CIV1174-CFTC-0018197
43.	April 1, 2009	13CIV1174-CFTC-0018237
44.	April 1, 2009	13CIV1174-CFTC-0018227
45.	April 8, 2009	13CIV1174-CFTC-0018239
46.	April 13, 2009	13CIV1174-CFTC-0018240
47.	April 21, 2009	13CIV1174-CFTC-0018199
48.	April 22, 2009	13CIV1174-CFTC-0018242
49.	April 30, 2009	13CIV1174-CFTC-0018244
50.	April 30, 2009	13CIV1174-CFTC-0018243
51.	May 05, 2009	13CIV1174-CFTC-0018246
52.	May 7, 2009	13CIV1174-CFTC-0018200
53.	May 15, 2009	13CIV1174-CFTC-0018249
54.	May 20, 2009	13CIV1174-CFTC-0018250
55.	May 20, 2009	13CIV1174-CFTC-0018251
56.	May 21, 2009	13CIV1174-CFTC-0018252
57.	May 11, 2010	13CIV1174-CFTC-0005669
58.	May 12, 2010	13CIV1174-CFTC-0005671
59.	May 18, 2010	13CIV1174-CFTC-0005673
60.	May 24, 2010	13CIV1174-CFTC-0005672
61.	May 25, 2010	13CIV1174-CFTC-0005670

Byrnes Disclosures		
	Date & Disclosing Party	Bates Number
62.	June 9, 2010	13CIV1174-CFTC-0005679
63.	Sept. 17, 2010	13CIV1174-CFTC-0018258

Exhibit B

Curtin Disclosures		
	Date	Bates Number
1.	May 14, 2008	13CIV1174-CFTC-0006562
2.	May 29, 2008	13CIV1174-CFTC-0006567
3.	June 10, 2008	13CIV1174-CFTC-0006522
4.	June 23, 2008	13CIV1174-CFTC-0006528
5.	June 24, 2008	13CIV1174-CFTC-0006529
6.	Oct 10, 2008	13CIV1174-CFTC-0006577
7.	Oct 13, 2008	13CIV1174-CFTC-0006578
8.	Nov 25, 2008	13CIV1174-CFTC-0006594
9.	Jan 16 2009	13CIV1174-CFTC-0018233 13CIV1174-CFTC-0018232
10.	Jan 26, 2009	13CIV1174-CFTC-0018264
11.	Feb 5, 2009	13CIV1174-CFTC-0018169
12.	Feb 23, 2009	13CIV1174-CFTC-0018179
13.	March 3, 2009	13CIV1174-CFTC-0018194
14.	March 9, 2009	13CIV1174-CFTC-0018234
15.	March 10, 2009	13CIV1174-CFTC-0018235
16.	March 16, 2009	13CIV1174-CFTC-0018236

INTERROGATORY NO. 6:

Identify by Bates number the calls referenced in Paragraphs 42, 44, 45, and 64 of the Amended Complaint.

RESPONSE TO INTERROGATORY NO. 6: In addition to the foregoing general objections, Plaintiff objects to this Interrogatory because it seeks information already in NYMEX's possession or information that can be ascertained from materials equally available to Plaintiff and NYMEX and is, therefore, unduly burdensome. Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

- Paragraph 42: 13CIV1174-CFTC-0018249
- Paragraph 44: 13CIV1174-CFTC-0018215
- Paragraph 45: 13CIV1174-CFTC-0018259
- Paragraph 64: 13CIV1174-CFTC-0018193

INTERROGATORY NO. 7:

Identify with specificity each statement made by Byrnes or Curtin which you believe, allege, or contend violated the Act or Commission Regulations.

RESPONSE TO INTERROGATORY NO. 7: In addition to the foregoing general objections, Plaintiff objects to Interrogatory No. 7 because it seeks the claims and contentions of a party or otherwise seeks information beyond the scope of Local Rule 33.3.

INTERROGATORY NO. 8:

Separately, and for each statement set forth in Interrogatory No. 7 that you allege violated the Act or Commission Regulations, explain how you contend each disclosure, “if such information were publicly known, would be considered important by a reasonable person in deciding whether to trade a particular commodity interest on a contract market” under Rule 1.59.

RESPONSE TO INTERROGATORY NO. 8: In addition to the foregoing general objections, Plaintiff objects to Interrogatory No. 8 because it seeks the claims and contentions of a party or otherwise seeks information beyond the scope of Local Rule 33.3.

INTERROGATORY NO. 9:

State the amount of monetary gain you contend any person realized as a result of information in any disclosure you contend violated the Act or Commission Regulations.

RESPONSE TO INTERROGATORY NO. 9: In addition to the foregoing general objections, Plaintiff objects to Interrogatory No. 9 because it seeks the claims and contentions of a party or otherwise seeks information beyond the scope of Local Rule 33.3.

INTERROGATORY NO. 10:

Identify any persons you contend obtained the ability to realize a profit or gain on any commodities position or other investment specifically because of the knowledge of alleged nonpublic information contained in any disclosure by Byrnes or Curtin you contend violated the Act or Commission Regulations.

RESPONSE TO INTERROGATORY NO. 10: In addition to the foregoing general objections, Plaintiff objects to Interrogatory No. 10 because it seeks the claims and contentions of a party or otherwise seeks information beyond the scope of Local Rule 33.3.

INTERROGATORY NO. 11:

Identify any trade you contend [sic] was executed as a result of information in any disclosure by Byrnes or Curtin you contend violated the Act or Commission Regulations.

RESPONSE TO INTERROGATORY NO. 11: In addition to the foregoing general objections, Plaintiff objects to Interrogatory No. 11 because it seeks the claims and contentions of a party or otherwise seeks information beyond the scope of Local Rule 33.3.

INTERROGATORY NO. 12:

Identify any market participant you contend suffered a trading loss as a result of information in any disclosure by Byrnes or Curtin you contend violated the Act or Commission Regulations. If any market participant is identified, provide a calculation of damages, any trades or positions that were disadvantaged, and how the disclosure caused or related to the loss or disadvantage.

RESPONSE TO INTERROGATORY NO. 12: In addition to the foregoing general objections, Plaintiff objects to Interrogatory No. 12 because it seeks the claims and contentions of a party or otherwise seeks information beyond the scope of Local Rule 33.3.

INTERROGATORY NO. 13:

State the number of violations of the Act or Commission Regulations you contend each Defendant committed.

RESPONSE TO INTERROGATORY NO. 13: In addition to the foregoing general objections, Plaintiff objects to Interrogatory No. 13 because it seeks the claims and contentions of a party or otherwise seeks information beyond the scope of Local Rule 33.3.

INTERROGATORY NO. 14:

State the total civil monetary penalty you seek from NYMEX, including but not limited to the assumptions, data, and methodology of your calculation of such penalty.

RESPONSE TO INTERROGATORY NO. 14: Each disclosure of material nonpublic information as alleged in the Amended Complaint is a separate violation of the Commodities Exchange Act (the “Act”) and Commission Regulations. The Commission is seeking the maximum civil monetary penalty for each violation of the Act. Violations occurring prior to October 23, 2008, are subject to a maximum civil monetary penalty of up to \$130,000 for each violation. Violations occurring on or after October 23, 2008 are subject to a maximum civil monetary penalty of up to \$140,000 for each violation.

INTERROGATORY NO. 15:

Identify all facts supporting their assertion in Paragraph 89 of the Amended Complaint that Byrnes and Curtin were acting “within the scope of their employment” when they allegedly made any disclosures of nonpublic information.

RESPONSE TO INTERROGATORY NO. 15: In addition to the foregoing general objections, Plaintiff objects to Interrogatory No. 15 because it seeks the claims and contentions of a party or otherwise seeks information beyond the scope of Local Rule 33.3.

INTERROGATORY NO. 16:

Identify all facts supporting the allegation that Byrnes and/or Curtin were acting for NYMEX in making any alleged disclosures of nonpublic information.

RESPONSE TO INTERROGATORY NO.16: In addition to the foregoing general objections, Plaintiff objects to Interrogatory No. 16 because it seeks the claims and

contentions of a party or otherwise seeks information beyond the scope of Local Rule 33.3.

INTERROGATORY NO. 17:

Identify all facts supporting the allegation that NYMEX received any sort of benefit from any alleged disclosures of nonpublic information by Byrnes or Curtin.

RESPONSE TO INTERROGATORY NO. 17: In addition to the foregoing general objections, Plaintiff objects to Interrogatory No. 17 because it seeks the claims and contentions of a party or otherwise seeks information beyond the scope of Local Rule 33.3.

INTERROGATORY NO. 18:

Identify any fact indicating that Byrnes or Curtin received personal benefits as a result of their alleged disclosure of nonpublic information.

RESPONSE TO INTERROGATORY NO. 18: In addition to the foregoing general objections, Plaintiff objects to Interrogatory No. 18 because it seeks the claims and contentions of a party or otherwise seeks information beyond the scope of Local Rule 33.3.

INTERROGATORY NO. 19:

Identify all documents supporting the contention that NYMEX had actual knowledge that Byrnes and Curtin were making disclosures of nonpublic information before November 19, 2010.

RESPONSE TO INTERROGATORY NO. 19: In addition to the foregoing general objections, Plaintiff objects to Interrogatory No. 19 because it seeks the claims and contentions of a party or otherwise seeks information beyond the scope of Local Rule 33.3.

I, Trevor Kokal, certify that the foregoing Plaintiff's Answers to Defendants' New York Mercantile Exchange, Inc.'s Interrogatories are true and correct to the best of my knowledge, information and belief, formed after reasonable inquiry.

Dated: March 9, 2015


Trevor Kokal, Investigator
Division of Enforcement
140 Broadway
New York, New York, 10005
(646) 746-9700

Dated: March 9, 2015

As to Objections:

A handwritten signature in blue ink, reading "David MacGregor" with a stylized "D" and "M", followed by a horizontal line.

David W. MacGregor
Patryk J. Chudy
Patrick Daly
James Wheaton
Division of Enforcement
140 Broadway
New York, New York, 10005
(646) 746-9700

Attorneys for Plaintiff

CERTIFICATE OF SERVICE


I hereby certify that on this 9th day of March 2015, I caused to be served a true and correct copy of the foregoing **Plaintiff's Answers and Objections to Defendant New York Mercantile Exchange, Inc.'s Interrogatories** upon counsel for Defendants at the following addresses:

Via Email and United Parcel Service

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